

Carl Burnham, Jr., OSB 64008
cburnham@yturrirose.com
YTURRI ROSE, LLP
P O Box 'S'
Ontario OR 97914
Telephone: (541) 889-5368
Facsimile: (541) 889-2432

Of Attorneys for Defendant The Dominican Sisters
Of Ontario, Inc. Dba Holy Rosary Medical Center

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

**GLENN H. SONSTENG, Personal
Representative of the Estate of
EDNA M. SONSTENG, Deceased,**

Plaintiff,

-vs-

**THE DOMINICAN SISTERS OF ONTARIO,
INC.,** an Oregon non-profit corporation,
dba, **HOLY ROSARY MEDICAL CENTER;**
**JOSEPH J. BOYLE, M.D., and FRANK
J. SPOKAS, M.D.,**

Defendants.

Case No. CV06 476 SU

OBJECTION TO FINDINGS
AND RECOMMENDATION

(By Defendant The
Dominican Sisters of
Ontario, Inc. dba
Holy Rosary Medical
Center)

Defendant The Dominican Sisters of Ontario, Inc. Dba Holy
Rosary Medical Center objects to the following statement in the
Court's Findings and Recommendation:

"[S]hould plaintiff recover under the alternative survival theory, the statutory cap may not apply***. If***the recovery is not under the wrongful death statute, no cap should apply." *Findings and Recommendation, page 16.*

Defendant The Dominican Sisters of Ontario, Inc. Dba Holy Rosary Medical Center relies on the Memorandum in Support of Objection to Findings and Recommendations filed by Defendant Boyle on July 9, 2007, and hereby incorporates the same by this reference.

DATED this 10th day of July, 2007.

YTURRI ROSE, LLP

/s/ David R. Auxier For:
Carl Burnham, Jr.
OSB #64008
Telephone: 541/889-5368
Of Attorneys for Defendant The
Dominican Sisters of Ontario, Inc.
dba Holy Rosary Medical Center

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of July , 2007, I caused to be served a true copy of the foregoing OBJECTION TO FINDINGS AND RECOMMENDATION by the method indicated below,

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile Transmission
☐ Electronic Submission

and addressed to each of the following individuals:

Bernard Jolles
Jolles & Bernstein PC
721 SW Oak Street
Portland, OR 97205
Of Attorneys for Plaintiff

Mr. Timothy J. O'Hanlon
Mautz Baum & O'Hanlon LLP
PO Box 628
Pendleton, OR 97801-0628
Of Attorneys for Defendant Spokas

David C. Landis
Attorney at Law
1515 SW 5th Ave #844
Portland, OR 97201
Attorney for Defendant Boyle

YTURRI ROSE LLP

/s/ David R. Auxier
Of Attorneys for Defendant The Dominican
Sisters of Ontario, Inc. dba Holy Rosary
Medical Center

CERTIFICATE OF SERVICE